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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/713,839

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Olivier Desjeux

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EXAMINER

BANGACHON, WILLIAM L

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/713,839

Applicant(s)

DESJEUX, OLIVIER

Examiner

William Bangachon

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2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☒ Claim(s) 14-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/14/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure, which goes to make up the device, must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim 1 recites the limitation **"said electronic units"** in page 3 (it is unclear on which electronic units it is referring to - portable or fixed units), claim 13 recites the limitation **"said information of the direction of passage"** in page 4, claims 16 and 17 recites the limitation **"said first and/or second low frequency electromagnetic signals"** in page 5, claim 18 recites the limitations **"said low frequency reception module, said high frequency transmission-reception module, said processing means"** in pages 6 and 7. There is insufficient antecedent basis for these limitations in the claims.

Claims 12, 14 and 15 recite **"The system according to claim 1, 13 and 14, further configured to pass, at least temporarily, from one mode to**

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**another ...”**. It is unclear in the claims what element or entity is configured to pass.

In claim 18, there is no method recited in claim 13. Claim 13 is a system. However, claim 18 can be paraphrased to recite “a method for practicing the system of claim 13 for detecting an individual or an object in a detection system, wherein each electronic unit further comprises.”

Claims 19 and 20 recites **“the detection system is configured to pass, at least temporarily, from one mode to another ...”** Based on the recitation of the claims, it is unclear what element or entity or method in the detection system is configured to pass.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 13 recites the limitation “wherein each electronic unit comprises detection means for determining the direction of passage of the said electronic unit through the said entrance...” It is unclear in the specification on what the detection means is composed of.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

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**“detection means”** recited in claim 13, for determining the direction of passage of a portable electronic unit through an entrance, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the Examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,317,309 (Vercellotti et al) in view of USP 5,245,346 (Nishimura et al).

With regards to claims 11 and 12, Vercellotti et al teach of a system for detecting individuals (3) or objects in a plurality of delimited spaces each having at least one entrance, the detection system comprising, for each of the said delimited spaces :

low frequency transmission means associated with the delimited space and located at the said entrance to transmit at least one low frequency electromagnetic signal in a communication region substantially covering the said entrance {col. 3, lines 62+}; and

high frequency transmission-reception means associated with the delimited space for receiving and transmitting at least one high frequency electromagnetic signal {col. 4, lines 49-64},

the detection system further comprising:

cards or portable electronic units (4), each equipping an individual or object shown in figure 1A, each electronic unit comprising a low frequency reception module (18) for receiving the said low frequency electromagnetic signal and a high frequency transmission module (17) for transmitting and receiving the said high frequency electromagnetic signal; and

at least one central processing unit (9) associated with the said delimited spaces and connected to the said low frequency transmission means as well as to the said high frequency transmission-reception means for recording data relative to the entrance and exit of the said portable electronic units,

wherein the system is configured to operate according to at least two distinct modes of operation (i.e. wide area position beacon mode and identity access interrogation mode {col. 2, lines 18-22; col. 5, lines 46-48} in which said electronic units communicate with said high-frequency transmission-reception means, and wherein the said low frequency electromagnetic signal comprises selection information (i.e. use interrogation power) indicating which of the said at least two modes of operation should be utilised (i.e. identity access interrogation mode) by the said electronic units during their passage through an entrance of any one of the said plurality of delimited spaces {col. 5, lines 49+.

Although Vercellotti do not disclose expressly a high frequency reception module, these claim limitations would have been obvious in the system of Vercellotti, as evidenced by Nishimura et al. Nishimura et al, in the same field of endeavor, interrogator/transponder system, teach of a receiver for receiving commands in a high frequency band {Nishimura, col. 9, lines 5-7}. Vercellotti is concerned about activating items that are not moved for a long time and have gone stale {Vercellotti, col. 6, lines 3+}, and that activation of the beacon is controlled by a timer {Vercellotti, col. 6, lines 3-5}. It would have been obvious to one of ordinary skill in the art to have a high frequency reception module in the system of Vercellotti, as suggested by Nishimura, for receiving high frequency commands to wake up unmoved or stale transponders.

Claim 13 recites the limitations of claim 11, further comprising a first and second low frequency electromagnetic signals transmitted by antennas 5 and 6 shown in Figure 1B. the two antennas are also directional antennas that provide the identity information and the angular position information to a position control {col. 3, lines 46-61}.

#### ***Allowable Subject Matter***

7. Claims 14-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



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8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art made of record do not disclose a first and second low frequency transmitters including the recited limitations as claimed; each electronic unit comprises detection means, as claimed; and the system being configured to function according to a second mode of operation, as claimed

#### ***Office Contact Information***

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on 4/4/10.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Horabik can be reached on **(571)-272-3068**. The fax phone numbers for the organization where this application or proceeding is assigned is **571-273-8300** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



William L. Bangachon  
Examiner  
Art Unit 2635

October 3, 2005

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